

cities, towns and villages, or twenty-five miles per hour in the outlying or not thickly settled parts of cities, towns or villages. If the rate of speed of a motor vehicle operated upon any public highway exceeds thirty-five miles per hour in the open country, outside of the limits of cities, towns or villages, such rate of speed shall be prima facie evidence that the person operating such vehicle is operating the same at a speed greater than is reasonable and proper, and in violation of the provisions of this section, and the burden of proof shall be upon him to show that such rate of speed was not greater than was reasonable and proper, as above set forth. No motor vehicle equipped with a commercial body, the weight of which including the body and load, is greater than three (3) tons shall be operated at a rate of speed greater than thirty-five miles per hour under any circumstances.

(4) MAXIMUM OF SPEED.

No motor vehicle shall be operated upon any highway of this State at a rate of speed greater than forty miles per hour under any circumstances or condition, nor shall any motor vehicle be operated with a greater load than that for which the registration certificate therefor has been issued and fee paid.

(5) PENALTIES.

Any person violating any of the provisions of sub-sections (1) or (3) of this section shall be deemed guilty of a misdemeanor and subject to a fine of not less than one dollar (\$1.00) nor more than one hundred dollars for the first offense. Any person violating any of the provisions of sub-section (2) of this section shall be deemed guilty of a misdemeanor and subject to a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars for the first offense. Any person operating a motor vehicle upon any highway of this State at a rate of speed greater than forty (40) miles per hour shall be deemed guilty of a misdemeanor and subject, upon conviction, to a fine of not less than twenty-five nor more than one hundred dollars (\$100.00). Any person operating a motor vehicle upon any highway of this State at a rate of speed greater than sixty miles per hour shall be subject, upon conviction, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or to be imprisoned for not less than thirty days nor more than one year, or to both fine and imprisonment, for the first offense;